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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NOs:14359 &14360 of 2006

DATED: 17-07-2006

W.P.No.14359 of 2006:

Between:

Board of Intermediate Education, rep.by its Secretary, Nampally, Hyderabad.

..... PETITIONER

AND

1. Mr.M.Ram Mohan and another

.....RESPONDENTS

AND

W.P.No.14360 of 2006:

Between:

Board of Intermediate Education, rep.by its Secretary, Nampally, Hyderabad.

..... PETITIONER

AND

1. Mr.M.Ram Mohan and another

.....RESPONDENTS

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COMMON ORDER:(per BPR,J)

Heard Sri S.N.Prasad, learned Senior Counsel, appearing for the petitioner.

In these two writ petitions, the petitioner, which is a Board of Intermediate Education, seeks to assail the very entertainment of the application as filed under Section 19 of the Administrative Tribunals Act in O.A.No.1967 of 2006 and O.A.No.3516 of 2006 *interalia* on the ground that the employees of the petitioner do not in any way come within the parameters of civil servants as contemplated under Rules to invoke the jurisdiction of the Tribunal. Further, it is also contended that the law is well established that the petitioner's employees would neither be the Government Servants nor the civil servants. In view of the same, the very entertainment is not correct.

Having heard the learned counsel on either side and also on perusal of the material on record, it is seen that in response to the notices issued, filed by the contesting respondent herein, and also the interim orders passed, the petitioner has directly approached this Court under Article 226 of the Constitution of India. No doubt, the petitioner raised a very substantial ground, however, the fact remains that the petitioner has not approached the tribunal and raised the objection in regard to the jurisdiction and entertainment of

the application. It is needless to mention that every Court or tribunal or authority has full powers to go into the very question whether it has jurisdiction or not. In view of the same, without approaching the said authority, Court, or tribunal, the petitioner cannot invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. We deem it more appropriate that the petitioner can as well be raised the said objection before the Tribunal, and the same shall be decided. Hence, we do not find any merits.

Both the writ petitions are accordingly dismissed, with a liberty to the petitioner to raise the said objection, and the Tribunal can take up the same as a preliminary issue and decide on merits in accordance with law after hearing both sides. No costs.

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17th July, 2006

SKM